

Town of Lamoine, Maine

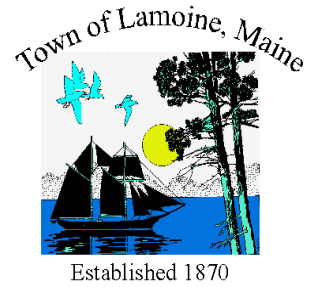
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Policy Regarding Tree Removal from Public Roads

March 2010

I. Authority

This policy is made by the Lamoine Board of Selectmen as the municipal officers of the Town of Lamoine. It is NOT an ordinance. It is a guideline for Town Office Staff and the General Public to follow, and shall become part of the General Policy Manual for the Town of Lamoine. This policy is made pursuant to 30-A MRSA § 2001 et seq and Article VII of the Maine Constitution.

II. Scope/Statement of Purpose

From time to time trees will fall into the travel lanes, shoulders and ditches of the town's public roads, especially during storms. This policy attempts to address issues concerning emergency removal of trees from public roads and rights of way, as well as emergency removal from non-public roads.

III. Definitions

- a. **Public Way** – The locally maintained public roads of the Town of Lamoine, both asphalt and gravel, that are used by the motoring public for the operation of automobiles.
- b. **Travel Way** – That portion of a public way in which motorized vehicles commonly operate
- c. **Shoulder** – That section of the public way between the travel way and the ditch
- d. **Ditch** – A depressed section to the outside of the shoulder used for water drainage away from the public way
- e. **Right of Way** – The legal area over which the public way is laid out to the boundary of private property lines
- f. **Private Roads** – Those roads used by residents and the general public which are neither owned or maintained by the Town of Lamoine or the Maine Department of Transportation
- g. **State Ways** – Those roads which are owned by the State of Maine and maintained either by the State of Maine or the Town of Lamoine
- h. **Utility Lines** – The wires and other materials over which electricity, telephone, Cable TV and other public utilities are transmitted. This shall include all transformers and related gear to the lines.

IV. Policy

- a. **Emergency Response** – The Town of Lamoine does not operate a public works department, but does employ a Road Commissioner. The

entity that will make an emergency response is generally the Lamoine Volunteer Fire Department. However, the road commissioner and/or the local emergency management director, when appropriate may respond to an emergency road closure caused by a tree falling into or obstructing the travel lane of the road. Should the situation be more than the Road Commissioner or the Local EMA director can safely remove, the Fire Department shall be called upon for assistance. Town of Lamoine personnel shall endeavor to assure that at least one travel lane is passable within the limitations below.

- b. **Utility Lines Involved** – If utility lines are involved with the downed tree, no local personnel shall attempt to remove said tree. The response shall be placement of barricades to warn approaching vehicles of the situation and Bangor Hydro Electric shall be notified and responsible for tree removal and road opening. It shall be up to the responding officer in charge as to whether fire department apparatus shall remain on the scene with warning lights; provided the response from Bangor Hydro is likely to be less than 1-hour.
- c. **Tree Removal** – The fire department or other responding personnel shall utilize the proper tools to cut the tree into small enough pieces to be reasonably moved. The tree sections and brush shall be moved to the nearest non-developed area near the fall location and placed beyond the shoulder and ditch so as not to interfere with motorists, pedestrians and drainage.
- d. **Responsibility for Disposal** – In most cases the owner of the property adjacent to the road is responsible for the final disposal of the brush and wood. The wood from the tree is the property of the landowner from which the tree originated, and no employee of the Town of Lamoine or other person is authorized to remove such wood without express written consent of the landowner. In extreme cases where there is a great deal of debris that has accumulated due to storms and other events, the Board of Selectmen may authorize the Road Commissioner to hire such help as needed to adequately dispose of the debris.
- e. **Removal from Private Ways** – Should a tree block a private, named road, the Lamoine Volunteer Fire Department is hereby authorized to make an emergency removal so that public safety vehicle may access that private way, subject to the limitations above.
- f. **Removal from Private Property** – In the case of an emergency situation from private property, the Lamoine Volunteer Fire Department is authorized to remove trees as needed from private ways to the extent needed to perform emergency operations. If no emergency exists, the Town of Lamoine and its employees are not authorized to remove trees from private property.
- g. **Reimbursement of Costs** – The Board of Selectmen may elect to transfer from the road budget to the fire department budget a reasonable amount to compensate for the costs of emergency tree removal. Such transfers shall be approved on a case by case basis by the Selectmen

based on recommendation of the Fire Chief in consultation with the Road Commissioner.

V. Enactment Date and Signature

This policy is enacted as of _____, 2010.

Signed,

S. Josephine Cooper

Cynthia Donaldson

Richard Fennelly, Jr.

Gary McFarland

Kermit Theall

The Lamoine Board of Selectmen

Seen and agreed to:

_____, Road Commissioner _____(date)

_____, Fire Chief _____(date)

_____, Local Emergency Management Director _____(date)